

*B3*  
*Cont'd*  
*C*

15. (New) An article according to claim 9, wherein the filler is a pigment or a voiding agent.

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**REMARKS**

The present amendment is in response to the Office Action mailed March 20, 2002, in which Claims 1 through 11 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

The specification and Claim 10 are amended herein. Claim 11 is cancelled. New Claims 12 through 14 are added. Accordingly, Claims 1 through 10 and 12 through 14 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

## **CLAIM AMENDMENTS AND ADDITIONS – IN GENERAL**

Claim 10 has been amended to delete the term “and/or.” Claim 11 has been canceled. Claims 12 through 14 have been newly added. Support for new Claims 12 through 14 can be found in the claims or specification as originally filed. Thus, it is respectfully submitted that the amended or newly added claims do not extend beyond the disclosure of the application as originally filed and thus do not introduce new matter.

## **CLAIM REJECTIONS – 35 U.S.C. SECTION 112, 2<sup>nd</sup> PARAGRAPH**

### **1. Claims 8 and 10**

With respect to Paragraph 1 of the Office Action, the Examiner rejected Claims 8 and 10 under 35 U.S.C. Section 112, second paragraph. In particular, the Examiner stated that the term “hydrogenated hydrocarbon resin” is unclear.

Applicant respectfully traverses this rejection.

The term “hydrogenated hydrocarbon resin” has been widely employed in the art. For example, the term has been widely used in U.S. patent documents. See, among others, U.S. Patent Nos. 6,350,514, 6,197,419, 6,103,814, 5,840,783, and 5,292,561. In the context of the instant invention, the term “hydrogenated hydrocarbon resin” indicates those having been used to increase the heat shrinkability of polyolefin films. (See page 5, lines 4-8 of the specification as filed.) Thus, the term “hydrogenated hydrocarbon resin” is definitive. In further support of the well-known definition of this term Applicant

also submits herewith Attachment-A which is a print-out of an internet site for Arakawa Chemical Industries, Ltd. This company describes "hydrogenated hydrocarbon resin" as being one of the products it sells under the product name "Arkon." This product is detailed on the attached product sheet (appearances, colors, softening points, characteristics, uses). Applicant submits that this resin is well-known in the art and thus the term would be clear to those skilled in the art.

Accordingly, Applicant respectfully submits that the Examiner's rejection of Claims 8 and 10 under 35 U.S.C. Section 112 is now overcome. Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 112 is respectfully requested.

## 2. **Claim 10**

With respect to Paragraph 2 of the Office Action, the Examiner rejected Claim 10 under 35 U.S.C. Section 112, second paragraph, as being indefinite in view of the term "and/or."

Applicant respectfully traverses this rejection.

Claim 10 has been amended to delete the term "and/or," thus Applicant respectfully submits that this rejection is now overcome. (New Claim 12 has been added to claim the subject matter deleted from Claim 10.)

Accordingly, Applicant respectfully submits that the Examiner's rejection of Claim 10 under 35 U.S.C. Section 112 is now overcome. Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 112 is respectfully requested.

**3. Claim 11**

With respect to Paragraph 3 of the Office Action, the Examiner rejected Claim 11 under 35 U.S.C. Section 112, second paragraph, as being indefinite in view of the use of the phrase "blow molded article substantially as herein described with reference to Example 1."

Claim 11 has been cancelled herein, thus Applicant respectfully submits that this rejection is now moot.

**CLAIM REJECTIONS – 35 U.S.C. SECTION 102(b)**

With respect to Paragraphs 4 and 5 of the Office Action (and repeated at Paragraphs 8 and 9), the Examiner rejected Claims 1 through 8, 10 and 11 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,078,817 to Takagi (hereinafter referred to as "Takagi").

Applicant respectfully traverses this rejection.

Takagi teaches a label technique which is generally called a "wrap around label," wherein a shrinkable film is fixed partially to a container by means of a hot melt and is thereafter wrapped around the container and is finally shrunk in a manner whereby the label surrounds the container tightly such that the label is fixed to it. According to Takagi, a label having a cylindrical shape whose circumference is slightly larger than the circumference of the side of a container main body is wound around the container. Thus, a preformed container is labeled after the container has been formed.

In contrast, for the instant invention, the labeling and container formation occur simultaneously. Claim 1 of the instant invention recites an in-mold labeled, blow-molded article. The in-mold labeling technology allows the formation of the container and the procedure of the labeling in one step. In-mold labeling, thus, differs from the injection molding or wrap-around labeling, and Takagi does not teach or suggest an in-mold labeled article.

Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. Section 102(b) is now overcome. Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 102(b) is respectfully requested.

#### **CLAIM REJECTIONS – 35 U.S.C. SECTION 103(a)**

With respect to Paragraphs 6 and 7 of the Office Action, the Examiner rejected Claims 1 through 11 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,435,963 to Rackovan *et al.* (hereinafter referred to as "Rackovan *et al.*"). In particular, the Examiner alleges that although Rackovan *et al.* does not teach a shrinkage of at least 4% in both machine and transverse directions of the label film, it would have been obvious to a skilled artisan to optimize the shrinkage of the label such that it falls within the claimed range and thereby would have minimized curl.

Applicant respectfully traverses this rejection.

Rackovan *et al.* disclose a label from an oriented polymer which is stretched either uniaxially or biaxially. When it is biaxially stretched, the machine direction stretch is significantly higher than the transverse direction stretch. Rackovan *et al.* also disclose

that the label is made from preformed layers by means of laminating such separate layers. For such laminates, it is said that thickness-wise balancing of the heat shrinkability of the extruded layers is important to minimize curl (col. 4, lines 3-7). Accordingly, heat shrinkability is a disadvantage which needs to be balanced to avoid curl. Particularly, Rackovan *et al.* specifically state that the film should be annealed at a temperature sufficiently above the expected service temperature to avoid shrinking, relaxing or any distortion of the film which may interfere with the in-mold labeling process. (col. 4, lines 58-63)

In contrast, the label formed from a biaxially oriented film according to Claim 1 of the present application has a shrinkage of at least 4% in machine and transverse directions.

Thus, Rackovan *et al.* clearly teach away from the claimed invention which employs a label having shrinkage for producing in-mold blow labeled articles.

Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. Section 103(a) is now overcome. Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 103(a) is respectfully requested.

## DOUBLE PATENTING REJECTION

With respect to paragraphs 10 and 11 of the Office Action, the Examiner rejected Claims 1 through 11 under the judicially created doctrine of obviousness-type double

patent as being unpatentable over Claims 1 through 8 of commonly owned U.S. Patent No. 6,306,490.

Applicant hereby submits a terminal disclaimer in regard to the U.S. Patent No. 6,306,490, which is signed by the representative of the Applicant, who is a registered attorney.

Accordingly, Applicant respectfully submits that the Examiner's double patenting rejection is now overcome. Reconsideration and withdrawal of the double patenting rejection is respectfully requested.

#### **MARKED-UP CHANGES**

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

#### **CONCLUSION**

In light of the above amendments and remarks, Applicant respectfully submits that all pending Claims 1 through 10 and 12 through 14 as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-624-3947 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

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Attorney Docket No. 146154.00006  
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Favorable reconsideration is respectfully requested.

Respectfully submitted,



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Dated: February 19, 2003

TTM/hs



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

(USSN 09/763,723)

**IN THE SPECIFICATION:**

*The last paragraph on page 3 has been amended as follows:*

Despite the widely held belief in the art that labels for in-mold [labelling] labeling should have the minimum possible shrinkage [when subjected to] at the temperatures to which they are [subjected] exposed during in-mold labeling, the present invention is based on the use of films which shrink significantly at such temperatures. The minimum shrinkage in either the machine or transverse direction of the films should be at least 4% as measured by the OPMA shrink test. However, the shrinkages can be more. For example, the machine direction shrinkage can be at least 5%, more particularly at least 6%, and as much as 7% or more, for example more than 8%. The transverse direction shrinkages can, for example, be at least 5%, more particularly at least 6%, and as much as 7% or more, for example more than 8%.

**IN THE CLAIMS:**

*Applicant has cancelled Claim 11 with the request that such cancellation be made without prejudice and without dedication or abandonment of the subject matter thereof.*

*Claim 10 has been amended and new Claims 12 through 14 have been added as follows:*

10. (Amended) An article according to claim 9, wherein the base layer [and/or] or the intermediate layer contains a hydrogenated hydrocarbon resin.

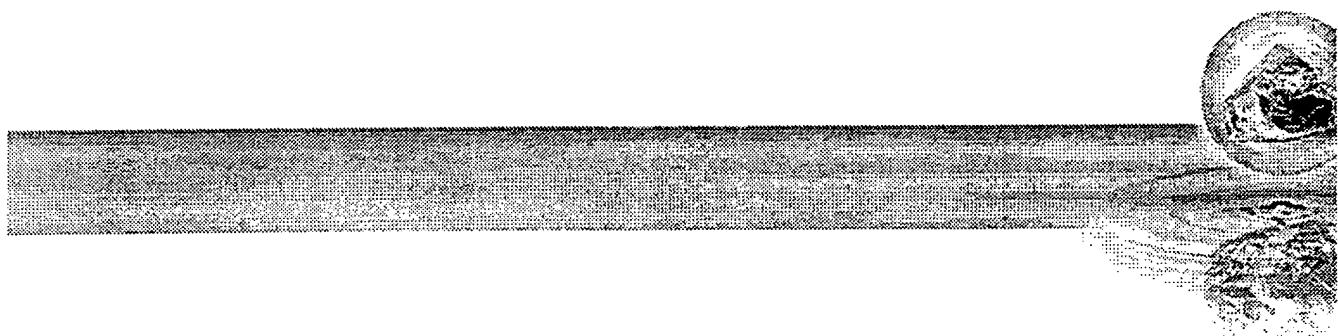
12. (New) An article according to claim 9, wherein the base layer and the intermediate layer contain a hydrogenated hydrocarbon resin.

13. (New) An article according to claim 9, wherein the outer layer or layers comprises a heat sealable polymer.

14. (New) An article according to claim 9, wherein the polypropylene homopolymer layer comprises a filler.

15. (New) An article according to claim 9, wherein the filler is a pigment or a voiding agent.

P R O F I L E O F T H E A R A K



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**Attachment - A  
(USSN 09/763,723)**

<http://www.arakawachem.co.jp/e/INDEX/indextitle.html>

**SPECIALITY CHEMICALS DEPARTMENT**

**Our Technologies provide many of the conveniences  
that surround us today**

Description	Applications	Product Name
Hydrogenated Hydrocarbon Resin	Adhesive Plastic Modification	<u>ARKON</u>
Rosin Ester	Adhesive Chewing Gum Base	<u>ESTER GUM</u>
Special Rosin Ester	Adhesive	<u>SUPER ESTER</u>
Special Ester Emulsion	Water-based Adhesive	<u>SUPER ESTER</u>
Rosin Ester	Adhesive	<u>PENSEL</u>
Alkylphenolic Resin	Adhesive Insulation Varnish	<u>TAMANOL</u>
Phenolic Resin	Epoxy Hardener	<u>TAMANOL</u>
Hydrogenated Rosin	Adhesive	<u>HYPALE</u>
Vinyl Acetate Maleic Anhydride Water Soluble Copolymer	Warp Sizing Agent Kraft Tape Adhesive	<u>TAMANORI</u>

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PRINTING INK RESIN

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PAINT RESIN

POLYMERIZATION EMULSFIER

ADHESIVE

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**Our Technologies provide many of the conveniences  
that surround us today**

Product	Appearance	Color (Hasen)	Softening Point (deg.C.,R&B)	Characteristics	Use
ARKON P-70	Colorless transparent lump	100 max.	60-75	Good weather resistance Odorless Good compatibility with EVA and block rubber	Pressure sensitive adhesive Hot melt adhesive
ARKON P-90	Colorless transparent pellet	ditto	90□}5	ditto	ditto
ARKON P-100	ditto	ditto	100□}5	ditto	ditto
ARKON P-115	ditto	ditto	115□}5	ditto	Pressure sensitive adhesive Hot melt adhesive Plastic reforming
ARKON P-125	ditto	ditto	125□}5	ditto	ditto
ARKON P-140	ditto	ditto	140□}5	ditto	ditto
ARKON M-90	ditto	ditto	90□}5	ditto	Pressure sensitive adhesive Hot melt adhesive
ARKON M-100	ditto	ditto	100□}5	ditto	ditto
ARKON M-115	ditto	ditto	115□}5	ditto	ditto
ARKON M-135	ditto	ditto	135□}5	ditto	ditto

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